

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|-----------------|
| UNITED STATES OF AMERICA, |) | |
| |) | 8:11CR63 |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | |
| DONALD HERBOLSHEIMER, |) | ORDER |
| |) | |
| Defendant. |) | |

This matter is before the court on the government's unopposed Motion to Continue Trial [41]. All parties require additional time to complete plea negotiations. For good cause shown,

IT IS ORDERED that the motion to continue trial (#34) is granted, as follows:

1. The jury trial now set for October 4, 2011 is continued to **December 6, 2011**.
2. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **October 4, 2011 and December 6, 2011**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

DATED September 28, 2011.

BY THE COURT:

s/ F.A. Gossett, III
United States Magistrate Judge